

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARY KAY, INC.,

Plaintiff,

v.

JENNIFER BICKEL COOK,

Defendant.

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CASE NO. 3:21-cv-02543-C

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Defendant Jennifer Bickel Cook (“Cook”) files this motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 seeking judgment against Plaintiff Mary Kay, Inc. (“Mary Kay”).

I.

SUMMARY

Cook is entitled to summary judgment on the following grounds:

- 1) Mary Kay’s copyright infringement cause of action fails under the fair use doctrine.
- 2) Mary Kay has no evidence of any proprietary information owned by Mary Kay that it shared with Cook or that Cook has used, negating its Lanham Act, breach of fiduciary duty, breach of contract, misappropriation of trade secrets and tortious interference with contract causes of action.
- 3) All of Mary Kay’s causes of action fail because it has not specified or put forth any evidence of damages it has suffered as a result of any alleged wrongful acts by Cook.

II.

BRIEF

Pursuant to Rules 56.3(b) and 56.5(a) of the Local Rules of the Northern District of Texas, Cook states that the matters required by Local Rule 56.3(a) are fully set forth in Cook's brief in support of her motion for summary judgment, which is filed contemporaneously herewith.

III

PRAYER

Defendant respectfully pray that the Court grants her motion for summary judgment, enters an order dismissing Plaintiff's claims against her with prejudice and awarding Defendant her costs, and for such other relief to which Defendant may show herself justly entitled.

Respectfully submitted,

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JENNIFER BICKEL COOK

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d)(1)(B), as amended, no certificate of service is necessary because this document is being filed with the Court's electronic-filing system on January 17, 2023.

/s/ Eric C. Wood
Eric C. Wood